



Montana Fish, Wildlife & Parks

Missouri River and Toston FAS Closure Rules - Draft

I. PURPOSE

(1) The purpose of the following rule is to address safety concerns on the Missouri River and at Toston Fishing Access Site (FAS) during construction replacement of the bridge.

(2) The Montana Department of Transportation (MDT) has scheduled to replace the Highway 287 bridge on the Missouri River at Toston starting March 2019. The new Highway 287 Bridge will replace the existing bridge that spans the Missouri River near the town of Toston.

(3) Bridge construction will require work within the river channel. Although MDT contract provisions stipulate that the contractor provide safe waterway passage through the construction site, MDT anticipates that there will be times when construction activities will create unsafe conditions for the public and requests that FWP be prepared to temporarily close the river and/or the entire Toston FAS on a short-term basis to all use in the proximity of the construction site.

II. MISSOURI RIVER AND TOSTON FAS TEMPORARY CLOSURE(S)

(1) The closure rule applies to a portion of the Missouri River and the Toston FAS, located in Broadwater County.

(2) The commission authorizes the department, with the approval of the commissioner in whose district the closures are located, (or one of the other commissioners in the absence of said commissioner), to close the Missouri River above and below the Highway 287 bridge construction site to all public occupation and recreation including, but not limited to, floating, fishing, hunting, swimming, wading, and boating on a temporary and short-term basis.

(3) The commission authorizes the department, with the approval of the commissioner in whose district the closures are located, (or one of the other commissioners in the absence of said commissioner), to close the river and/or the Toston FAS in its entirety to all public occupation and recreation on temporary and short-term basis.

(4) The commission authorizes the department, with the approval of the commissioner in whose district the closures are located, (or one of the other commissioners in the absence of said commissioner), to repeal any or all portions of the rule once conditions no longer present a public safety concern, and to reinstate the closures should safety issues become apparent.

III. EXCEPTIONS TO RIVER CLOSURES

(1) The general exceptions and applications identified in 12.11.505, ARM, apply to these closure rules.

(2) Vessels, equipment, and employees necessary for completion of the new Highway 287 Bridge construction are permitted to occupy the closed portions of the Missouri River and Toston FAS.

IV. EFFECTIVE DATE AND EXPIRATION OF THIS RULE

(1) This rule is effective upon final approval of the commission.

(2) This rule expires when in-river construction associated with the MDT Toston Structures project is completed.

(3) This rule may be repealed at anytime by the commission. Signs restricting use of the Missouri River and Toston FAS will be removed when the rule is not active.